

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

GAYLEN TIBBITT,

Plaintiff,

v.

BANK OF NEW YORK MELLON,
QUALITY LOAN SERVICE CORP. OF
WASHINGTON,

Defendants.

Case No: 19-05443-BHS

**ORDER GRANTING UNOPPOSED
FED. R. CIV. P. 54(b) MOTION OF
DEFENDANT BANK OF NEW YORK
MELLON F/K/A THE BANK OF NEW
YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE
CWABS, INC. ASSET-BACKED
CERTIFICATES, SERIES 2005-7**

Noting Date: August 23, 2019

THIS MATTER having come before the Court by unopposed motion of Defendant Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-7 (incorrectly sued as Bank of New York Mellon) for entry of a final judgment pursuant to Fed. R. Civ. P. 54(b), having reviewed said motion:

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court finds there is no just reason for delay in the entry of a final judgment for Defendant Bank of New York Mellon f/k/a The Bank of New York as Trustee for the

Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-7 in accordance with the Order Granting Defendant's Motion to Dismiss issued on July 23, 2019. Dkt. No. 14.

2. The Court further finds that the factors for entry of a final judgment articulated in *Curtiss-Wright Corp. v. General Elec. Co.*, 446 U.S. 1 (1980) are satisfied in this case.

3. Per Fed. R. Civ. P. 54(b), the Clerk shall enter a final judgment dismissing Plaintiff's claims against Defendant Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-7 with prejudice and without leave to amend.

DONE IN OPEN COURT this 9th day of September, 2019.



BENJAMIN H. SETTLE
United States District Judge

Presented by:

WRIGHT FINLAY & ZAK, LLP

/s/ Joshua Schaer

Joshua Schaer, WSBA #31491
Attorneys for Defendant Bank of New York
Mellon f/k/a The Bank of New York as Trustee
for the Certificateholders of the CWABS, Inc.,
Asset-Backed Certificates, Series 2005-7